



Indiana Pro Bono Commission
230 East Ohio Street, Suite 200
Indianapolis, IN 46204

Indiana Bar Foundation
230 East Ohio Street, Suite 200
Indianapolis, IN 46204

COMBINED 2003 DISTRICT REPORT, 2005 PRO BONO GRANT APPLICATION, AND 2005 PLAN

Pro Bono District: 11

Applicant: Bartholomew Area Legal Aid, Inc.

Mailing Address: 1531 13th St. Suite G330

City: Columbus, IN **Zip:** 47201

Phone: (812) 372-8933 **Fax:** (812) 372-3948

E-mail address: bala@iquest.net **Website address:** N/A

Judicial Appointee: Judge William Vance

Plan Administrator: C. Robert Moats

Names of Counties served: Bartholomew, Brown, Decatur, Jackson and Jennings

Number of registered attorneys in county: Bartholomew (91), Brown (18), Decatur (20), Jackson (32), Jennings (15) **Total in district:** 176

Percentage of volunteer attorneys who accepted a pro bono case in 2003 per registered attorneys in county: Bartholomew (61.5%), Brown (44.4%), Decatur (55%), Jackson (43.7%), Jennings (53.3%) **Total in district:** 53.9%

Percentage of volunteer attorneys who have not yet accepted a pro bono case in 2003 per registered attorneys in county: Bartholomew (11%), Brown (11%), Decatur (25%), Jackson (6%), Jennings (7%) **Total in district:** 11%

Amount of grant received for 2004: \$17,680

Amount of grant (2003 & prior years) projected to be unused as of 12/31/04: 0

Amount requested for 2005: \$19,351

PRO BONO DISTRICT NUMBER <u>11</u> LETTER OF REPRESENTATION
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The following representations, made to the best of our knowledge and belief, are being provided to the Indiana Pro Bono Commission and Indiana Bar Foundation in anticipation of their review and evaluation of our funding request and our commitment and value to our Pro Bono District.

Operation under Rule 6.5

In submitting this application for funding, this district is representing itself as having a Pro Bono Plan, which is pursuant to Rule 6.5 of the Indiana Rules of Professional Conduct. The plan enables attorneys in our district to discharge their professional responsibilities to provide civil legal pro bono services; improves the overall delivery of civil legal services to persons of limited means by facilitating the integration and coordination of services provided by pro bono organizations and other legal assistance organizations in our district; and ensures access to high quality and timely pro bono civil legal services for persons of limited means by (1) fostering the development of new civil legal pro bono programs where needed and (2) supporting and improving the quality of existing civil legal pro bono programs. The plan also fosters the growth of a public service culture within the our district which values civil legal pro bono publico service and promotes the ongoing development of financial and other resources for civil legal pro bono organizations.

We have adhered to Rule 6.5 (f) by having a district pro bono committee composed of:

- A. the judge designated by the Supreme Court to preside;
- B. to the extent feasible, one or more representatives from each voluntary bar association in the district, one representative from each pro bono and legal assistance provider in the district, and one representative from each law school in the district; and
- C. at least two (2) community-at-large representatives, one of whom shall be a present or past recipient of pro bono publico legal services.

We have determined the governance of our district pro bono committee as well as the terms of service of our members. Replacement and succession members are appointed by the judge designated by the Supreme Court.

Pursuant to Rule 6.5 (g) to ensure an active and effective district pro bono program, we:

- A. prepare in written form, on an annual basis, a district pro bono plan, including any county sub-plans if appropriate, after evaluating the needs of the district and making a determination of presently available pro bono services;
- B. select and employ a plan administrator to provide the necessary coordination and administrative support for the district pro bono committee;

- C. implement the district pro bono plan and monitor its results;
- D. submit an annual report to the Commission; and

- E. forward to the Pro Bono Commission for review and consideration any requests which were presented as formal proposals to be included in the district plan but were rejected by the district committee, provided the group asks for review by the Pro Bono Commission.

Commitment to Pro Bono Program Excellence

We also understand that ultimately the measure of success for a civil legal services program, whether a staffed or volunteer attorney program, is the outcomes achieved for clients, and the relationship of these outcomes to clients' most critical legal needs. We agree to strive for the following hallmarks which are characteristics enhancing a pro bono program's ability to succeed in providing effective services addressing clients' critical needs.

- 1. Participation by the local bar associations and attorneys.** The associations and attorneys believe the program is necessary and beneficial.
- 2. Centrality of client needs.** The mission of the program is to provide high quality free civil legal services to low-income persons through volunteer attorneys. Client needs drive the program, balanced by the nature and quantity of resources available.
- 3. Program priorities.** The program engages in a priority-setting process, which determines what types of problems the program will address. Resources are allocated to matters of greatest impact on the client and are susceptible to civil legal resolution. The program calls on civil legal providers and other programs serving low-income people to assist in this process.
- 4. Direct representation component.** The core of the program is direct representation in which volunteer attorneys engage in advocacy on behalf of low-income persons. Adjunct programs such as advice clinics, pro se clinics and paralegal assistance are dictated by client needs and support the core program.
- 5. Coordination with state and local civil legal providers and bar associations.** The programs work cooperatively with the local civil legal providers. The partnerships between the civil legal providers and the local bar association results in a variety of benefits including sharing of expertise, coordination of services, and creative solutions to problems faced by the client community.
- 6. Accountability.** The program has mechanisms for evaluating the quality of service it provides. It expects and obtains reporting from participating attorneys concerning the progress/outcome of referred cases. It has the capability to demonstrate compliance with requirements imposed by its funding source(s), and it has a grievance procedure for the internal resolution of disputes between attorneys and clients.
- 7. Continuity.** The program has a form of governance, which ensures the program will survive changes in bar leadership, and has operational guidelines, which enable the program to survive a change in staff.
- 8. Cost-effectiveness.** The program maximizes the level of high quality civil legal services it provides in relationship to the total amount of funding received.

9. Minimization of barriers. The program addresses in a deliberate manner linguistic, sensory, physical and cultural barriers to clients' ability to receive services from the program. The program does not create undue administrative barriers to client access.

10. Understanding of ethical considerations. The program operates in a way which is consistent with the Rules of Professional Conduct; client confidentiality is assured and conflicts of interest are avoided. The staff and volunteers are respectful of clients and sensitive to their needs.

11. ABA Standards. The program is designed to be as consistent with the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means as possible.

No events, shortages or irregularities have occurred and no facts have been discovered which would make the financial statements provided to you materially inaccurate or misleading. To our knowledge there is nothing reflecting unfavorably upon the honesty or integrity of members of our organization. We have accounted for all known or anticipated operating revenue and expense in preparing our funding request.

We agree to provide human-interest stories promoting Pro Bono activities in a timely manner upon request of the Indiana Bar Foundation or Indiana Pro Bono Commission. We further agree to make ourselves available to meet with the Pro Bono Commission and/or the Indiana Bar Foundation to answer any questions or provide any material requested which serves as verification/source documentation for the submitted information.

Explanation of items stricken from the above Letter of Representation:

It is understood that this Letter does not replace the Grant Agreement or other documents required by the Indiana Bar Foundation or Indiana Pro Bono Commission.

Signatures:

Judicial Appointee Signature

Date

Plan Administrator Signature

Date

2005 PLAN SUMMARY

- 1. Please write a brief summary of the 2005 grant request. Please include information regarding your district's planned activities. The grant request should cover needs to be addressed, methods, target audience, anticipated outcomes, and how past difficulties will be addressed.**

Bartholomew Area Legal Aid (BALA) has found great success in providing pro bono legal services to the clients of District 11. In order to maintain and enhance service delivery, BALA must recognize emerging issues with the target population and respond to those issues accordingly. One such issue is the proliferation of single parent births that change the dynamic of family law cases. Another related issue is the use and sale of methamphetamines. In 2001, custody and visitation modification cases comprised 15% of BALA's caseload. By 2003, those modifications have increased to 20% of caseload. The proportional increase of these more complicated and ongoing cases further burdens the already generous pro bono panel and the agency. This issue and other demographic changes forces BALA to examine current service delivery, evaluate its effectiveness, and adjusting processes and priorities if necessary. Addressing this issue, along with ongoing program promotion efforts, is the main emphasis for 2005.

The target population for BALA is persons with cases in District 11 who are 125% or lower of the poverty level and who have civil cases that are not fee generating. BALA assess applicants' cases then determines if they need a pro bono referral based on case type and complications associated with the it. BALA also will continue to find ways to promote and recognize the pro bono panel. Limitations in funding last year prevented the organization from hosting recognitions in each county, however a goal for next year is to conduct a volunteer recognition in all five District 11 counties.

Continuation of the current program is a top priority for BALA. Adjustments to the program will be more to reflect the changing legal needs and circumstances for BALA applicants and clients. The anticipated outcome of the program is to match clients who truly need legal representation with volunteer lawyers that can provide such representation. The organization targets 300 referrals every year while taking on average 1300 applications a year. Expansion of referrals is highly unlikely due to the capacities of the bar associations throughout District 11. A difficulty that must be addressed is to seek ways to alleviate the case burden on legal volunteers while still serving the known legal needs of the population. BALA grants pro se assistance, legal information, and some legal advice and negotiation for the non-referred clients. Further investigation of methods to serve non-referred clients will be done through late 2004 and 2005. This process will include the BALA Board of Directors/District 11 Committee to develop new programs for providing legal services and seeking external funding to initially implement them.

IOLTA is the chief funding source for the counties other than Bartholomew. Before BALA expanded into Brown, Decatur, Jackson and Jennings counties, legal services were not systemic nor were they readily available. Further cuts in IOLTA will affect the overall quality in the program by forcing curtailments in service delivery in those four counties. Although BALA has approached Jackson and Jennings counties this year for local funding, and plans to seek funding from Brown and Decatur counties next year, the limits on those communities' funding mechanisms are such that it will not be able to fully cover the financial gap affecting program service delivery in those areas.

2003 REPORT OF VOLUNTEER LAWYER CASES IN DISTRICT 11

Please attach additional pages for each pro bono provider that receives IOLTA funding, whether directly or indirectly, in your district. See the sample additional pro bono provider page 6A. Please list each attorney only once in the volunteer lawyer column but complete one line for each pro bono case for that attorney.

Definitions:

Case: A legal matter referred to and accepted by a pro bono attorney volunteer.

Volunteer Lawyer: An attorney who has rendered pro bono service to at least one low-income client during the year or accepted a pro bono referral from the identified program. This does not include attorneys who are on the list of pro bono volunteers but who have never taken a case. The case numbers do not include cases screened, only cases actually referred to a pro bono attorney.

Case Type: Please use the abbreviations listed in Indiana Supreme Court Administrative Rule 8(B)(3)

Name of Pro Bono Provider (includes legal service provider, court, plan administrator, bar association, and other organizations): Bartholomew Area Legal Aid, Inc.

IOLTA funding accounts for 15% of total pro bono provider budget.

The full report of volunteer legal activity for District 11 is Appendix A, which directly follows page six (6.) The format BALA is using captures all data from the table, including sums of services rendered in cases closed that year.

2003 REPORT OF VOLUNTEER LAWYER LIMITED INFORMATION ACTIVITY IN DISTRICT _____

This limited legal information chart can include activities such as pro se clinics and call-in or walk-in informational services.

Please attach additional pages for each pro bono provider that receives IOLTA funding, whether directly or indirectly, in your district. See the sample additional pro bono provider page 7A. Please list each attorney only once in the volunteer lawyer column but complete one line for each type of legal information activity for that attorney.

Name of Pro Bono Provider (includes legal service provider, court, plan administrator, bar association, and other organizations): Bartholomew Area Legal Aid, Inc.

Due to BALA's structure, issues such as brief counsel and advice, pro se assistance, and other non cases are handled internally or sent to existing agencies i.e. Turning Point's Domestic Violence Shelter's Legal Advocate, Columbus Human Rights Commission, Indiana Legal Services in order to maximize the ability to refer pro bono cases to its panel. This method was established with the agency in 1983 when the Bartholomew County Bar Association determined the most effective way to serve the community was through direct representation of indigent clients.

2003 REPORT

Please list your District's 2003 activities--including committee meetings, training, attorney recognition, marketing and promotion--in chronological order.

<u>Date</u>	<u>Activity</u>
<ul style="list-style-type: none">• January• January 9	Referred 30 Cases, Took 103 Applications Board Meeting- Discussed Strategic Plan
<ul style="list-style-type: none">• February• February 13	Referred 31 Cases, Took 95 Applications Board Meeting- Passed Strategic Plan
<ul style="list-style-type: none">• March• March 13	Referred 17 Cases, Took 98 Applications Board Meeting- Adopted Quarterly Meeting Schedule
<ul style="list-style-type: none">• April• April 10	Referred 34 Cases, Took 120 Applications Exec Committee- Planned Volunteer Recognition
<ul style="list-style-type: none">• May• May 8	Referred 22 Cases, Took 111 Applications Annual Meeting and Volunteer Recognition
<ul style="list-style-type: none">• June• June• June 12	Referred 26 Cases, Took 119 Applications Developed Client Evaluation Executive Committee- Discussed Grant Proposals
<ul style="list-style-type: none">• July• July 10	Referred 16 Cases, Took 133 Applications Board Meeting- Presentation by local United Way President
<ul style="list-style-type: none">• July and August	Phone Surveys Conducted for Client Evaluation
<ul style="list-style-type: none">• August• August 14	Referred 30 Cases, Took 122 Applications Executive Committee-Discussed United Way Presentation
<ul style="list-style-type: none">• September• September• September 11	Referred 15 Cases, Took 107 Applications Compiled and Released Client Evaluation Results Executive Committee- Discussed Internal Affairs
<ul style="list-style-type: none">• October• October 9	Referred 36 Cases, Took 107 Applications Board Meeting- Discussed and Passed Flex Benefits
<ul style="list-style-type: none">• November• November 20	Referred 21 Cases, Took 60 Applications Executive Committee- Discussed Internal Affairs
<ul style="list-style-type: none">• December• December 1• December 11	Referred 21 Cases, Took 81 Applications Toll Free Line Activated Executive Committee- Discussed Office Improvement

2003 REPORT

Please provide a short summary of how the provision of pro bono service is coordinated in your district, including the intake process, the relationships of pro bono providers in the district, how referrals are made, and how reporting is done.

BALA is the primary pro bono service provider for District 11. Applicants can access BALA two hours a day during set intake hours. Office staff or volunteers take applications of which all are forwarded to Program Director, Tammara Jo Sparks, who is an attorney. BALA uses KEMPS Casework software, which allows for extensive questioning and note taking. She determines eligibility, assesses the legal situation, and then decides how best to serve the client. In cases where clients are referred, the application is forwarded to John Pushor, Pro Bono Specialist, who then attempts to place the case with a qualified attorney. Karina Cox, Administrative Assistant helps initially place the case, and then tracks the referral quarterly to determine if the situation is closed. Upon closing, the attorney gives BALA hours served, what would have been charged to the client if they were paying, and the outcome of the case.

Please describe any special circumstances, including difficulties encountered, affecting your District's 2003 implementation of its plan.

Due to the cuts in IOLTA from 2002 to 2003, outreach efforts in the Brown, Decatur, Jackson and Jennings counties have been adversely affected. Although alternative funding sources assist in providing services, IOLTA funds comprise a large portion of funding for these areas. Further cuts in IOLTA's portion of the budget will further hamper efforts to provide consistent, high quality pro bono referral to these areas.

BUDGETS FOR 2003, 2004 AND 2005 *FOR IOLTA FUNDS ONLY*

Cost Category	2003 actual expendi- tures	2003 Budget	2004 actual expendi- tures	2004 Budget	2005 Budget
A. Personnel Costs					
1. Plan Adminis- trator	\$3,708	\$6,180	\$3,762	\$12,978	\$6,950
2. Paralegals	\$4,625	\$7,709	\$1,853	\$6,392	\$3,706
3. Others	\$4,128	\$6,880	\$1,058	\$3,650	\$2,116
4. Employee benefits					
a. Insurance	\$460	\$767	\$540	\$1,864	\$1,297
b. Retirement plans	0	0	0	0	0
c. (Payroll Taxes)	\$953	\$1,589	Factored into Salary	Factored into Salary	\$1,227
5. Total Person- nel Costs	\$13,874	\$23,215	\$7,213	\$28,884	\$15,296
B. Non- Personnel Costs					
1. Occupancy	\$540	\$900	\$327	\$1,125	\$700
2. Equipment rental and purchase	\$460	\$768	0	0	0
3. Office supplies	\$148	\$247	\$37	\$130	\$130
4. Telephone	\$861	\$992	\$290	\$1,000	\$750
5. Travel	\$90	\$150	\$185	\$638	\$600
6. Training	\$160	\$200	0	0	0
7. Library	0	0	0	0	0
8. Malpractice Insurance	\$240	\$400	\$72	\$250	\$125
9. Dues and fees	\$96	\$160	0	0	0
10. Audit	0	0	\$134	\$463	0
11. Contingent re- serve	0	0	0	0	0
12. Litigation re- serve	0	0	0	0	0
13. Marketing and promotion	0	0	0	0	0
14. Attorney Recognition	\$0	0	\$290	\$1,000	\$750
14. Litigation Expenses (in-	\$730	\$1,000	\$290	\$1,000	\$1,000

cludes expert fees)					
15. Property Acquisition	0	0	0	0	0
16. Contract Services	0	0	0	0	0
17. Grants to other pro bono providers	0	0	0	0	0
19. Other	\$481	\$481	0	0	0
20. Total Non-Personnel Costs	\$3750	\$5,808	\$1,525	\$5,606	\$4,055
C. Total Expenditures	\$17,680	\$29,023	\$8,738	\$30,490	\$19,351

IOLTA funds received 2003: \$17,680 IOLTA funds received 2004: \$17,680

Budget Narrative

Please provide descriptions of the following line items in the foregoing budget chart, by item number, in the space provided.

Lines (A)(1), (2), (3) Please indicate the number of hours per week for each personnel position and rate of pay.

(A)(1) Grant Administrator: C. Robert Moats, Executive Director, 40 hours a week and \$30,900 annually;

(A)(2) Paralegals: Shannon Carder, Office Manager, 40 hours a week and \$25,352 annually;

(A)(3) Others: Karina Cox, Administrative Assistant, 30 hours a week at \$7.80 an hour.

Line (B)(1) Please describe the occupancy cost in terms of square footage, utilities or other amenities and indicate whether the occupancy cost is above or below the market rate for that space.

BALA pays United Way of Bartholomew County \$375 a month for office space and all utilities. This rent will increase to \$400 a month on July 1, 2004. The office space is 1704 square feet. Other services provided include access to conference facilities, a receptionist in the front of the building, and a reduced phone line costs and long distance. This space is well below market value for comparable space in the community.

ANNUAL TIMETABLE FOR SUBMISSION OF FORMS AND CHECKS:

January 1:	Checks distributed
July 1:	Annual report, plan and grant application due to IPBC
November:	Notification of awards
December 1:	IBF grant agreement due and revised budget due